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NOTICE OF ALLOWANCE AND FEE(S) DUE

22850 7590 01/19/2011

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P.
1940 DUKE STREET
ALEXANDRIA, VA 22314

EXAMINER	
CHOO, MUNSOON	
ART UNIT	PAPER NUMBER
2617	

DATE MAILED: 01/19/2011

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/574,225	12/13/2006	Hiroyuki Menjo	288888US8PCT	2231

TITLE OF INVENTION: MOBILE COMMUNICATION TERMINAL AND POSITIONAL INFORMATION PROVIDING METHOD

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	NO	\$1510	\$300	\$0	\$1810	04/19/2011

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. PROSECUTION ON THE MERITS IS CLOSED. THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. THIS STATUTORY PERIOD CANNOT BE EXTENDED. SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE DOES NOT REFLECT A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE IN THIS APPLICATION. IF AN ISSUE FEE HAS PREVIOUSLY BEEN PAID IN THIS APPLICATION (AS SHOWN ABOVE), THE RETURN OF PART B OF THIS FORM WILL BE CONSIDERED A REQUEST TO REAPPLY THE PREVIOUSLY PAID ISSUE FEE TOWARD THE ISSUE FEE NOW DUE.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.

B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

A. Pay TOTAL FEE(S) DUE shown above, or

B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

II. PART B - FEE(S) TRANSMITTAL, or its equivalent, must be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted. If an equivalent of Part B is filed, a request to reapply a previously paid issue fee must be clearly made, and delays in processing may occur due to the difficulty in recognizing the paper as an equivalent of Part B.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** **Mail Stop ISSUE FEE**
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INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All further correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless corrected below or directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

CURRENT CORRESPONDENCE ADDRESS (Note: Use Block 1 for any change of address)

22850 7590 01/19/2011

Note: A certificate of mailing can only be used for domestic mailings of the Fee(s) Transmittal. This certificate cannot be used for any other accompanying papers. Each additional paper, such as an assignment or formal drawing, must have its own certificate of mailing or transmission.

OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.C.
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ALEXANDRIA, VA 22314

Whereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the **Mail Stop ISSUE FEE** address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)

(Signature)

(Date)

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nonprovisional	NO	\$1510	\$300	\$0	\$1810	04/19/2011

EXAMINER	ART UNIT	CLASS-SUBCLASS
CHOO, MUNSOON	2617	455-456100

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
 "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. **Use of a Customer Number is required.**

2. For printing on the patent front page, list

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 _____
2 _____
3 _____

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): Individual Corporation or other private group entity Government

4a. The following fee(s) are submitted:

Issue Fee
 Publication Fee (No small entity discount permitted)
 Advance Order - # of Copies _____

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

A check is enclosed.
 Payment by credit card. Form PTO-2038 is attached.
 The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27.
 b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

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Date _____

Typed or printed name _____

Registration No. _____

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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22850	7590	01/19/2011	EXAMINER	
OBLON, SPIVAK, MCCLELLAND MAIER & NEUSTADT, L.L.P. 1940 DUKE STREET ALEXANDRIA, VA 22314				CHOO, MUNSOON
ART UNIT		PAPER NUMBER		
2617				DATE MAILED: 01/19/2011

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b)

(application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 343 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 343 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571)-272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at 1-(888)-786-0101 or (571)-272-4200.

Notice of Allowability	Application No.	Applicant(s)	
	10/574,225	MENJO ET AL.	
	Examiner	Art Unit	
	MUNSOON CHOO	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTO-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to 07/13/2010.
2. The allowed claim(s) is/are 1-7,9,12,14 and 16.
3. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some* c) None of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application
6. Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

/HUY PHAN/
Primary Examiner, Art Unit 2617

/Munsoon Choo/
Examiner, Art Unit 2617

REASONS FOR ALLOWANCE

EXAMINER'S AMENDMENT

1. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee. Authorization to amend the claims has been given by Attorney Andrew T. Harry, Reg. No. 56, 959.
2. The application has been amended as follows:

In the claim:

1. (Currently Amended) A system comprising:
 - a communication partner equipment;
 - a portable communication terminal communicatively coupled to the communication partner equipment,
 - the portable communication terminal including,
 - data transmitting means for transmitting picture data from the portable communication terminal to a communication partner equipment, using a user channel for transmission of picture data,
 - location requesting means for transmitting request information to request calculation of location information about the portable communication terminal, the request information being transmitted from the portable communication terminal to a location information calculating server for calculating the location information over a control channel for

transmission of control data, wherein the communication partner equipment is not part of the location information calculating server,

location acquiring means for acquiring, at the portable communication device, the location information over the control channel from the location information calculating server in parallel with the data transmitting means transmitting the picture data to the communication partner over the user channel, the location information having been calculated based on the request information in the location information calculating server, and

location transmitting means for transmitting, from the portable communication device over the control channel, the location information acquired by the location acquiring means from the location information calculating server to the communication partner equipment in parallel with the data transmitting means transmitting the picture data to the communication partner over the user channel; and

the communication partner equipment stores the picture data in association with the location information received from the location transmitting means of the portable communication device, and the communication partner equipment transmits the picture data together with the location information to a receiver terminal.

3. (Currently Amended) The system according to Claim 2, wherein the portable communication terminal further comprises:

movement detecting means for detecting a movement state of the location of the portable communication terminal, based on the location information acquired by the location acquiring means,

wherein the location transmitting means transmits the location information in accordance with the detected movement state.

6. (Currently Amended) A location information providing method for providing location information from a portable communication terminal to a communication partner equipment, comprising:

transmitting, with a transmitter of the portable communication terminal, picture data to the communication partner equipment over a user channel for transmission of picture data;

transmitting request information to request calculation of location information about the portable communication terminal, the request information being transmitted from the portable communication terminal to a location information calculating server for calculating the location information over a control channel for transmission of control data, wherein the communication partner equipment is not part of the location information calculating server;

acquiring, at the portable communication terminal, the location information over the control channel from the location information calculating server in parallel with transmitting the picture data to the communication partner over the user channel, the location information having been calculated based on the request information in the location information calculating server;

transmitting, from the portable communication device over the control channel, the location information acquired by the acquiring step from the location information calculating server to the communication partner equipment in parallel with transmitting the picture data to the communication partner over the user channel;

storing, at the communication partner equipment, the picture data in association with the location information received from the portable communication device; and

transmitting, at the communication partner equipment, the picture data together with the location information to a receiver terminal.

8. (Canceled)

9. (Currently Amended) A system comprising:

a communication partner equipment;

a portable communication terminal communicatively coupled to the communication partner equipment,

the portable communication terminal including,

a data transmitting unit configured to transmit picture data from the portable communication terminal to a communication partner equipment, using a user channel for transmission of picture data,

a location requesting unit configured to transmit request information to request calculation of location information about the portable communication terminal, the request information being transmitted from the portable communication terminal to a location information calculating server for calculating the location information using a control channel for transmission of control data, wherein the communication partner equipment is not part of the location information calculating server,

a location acquiring unit configured to acquire, at the portable communication device, the location information over the control channel from the location information calculating server in parallel with the data transmitting unit transmitting the picture data to the communication partner over the user channel, the location information having been calculated based on the request information in the location information calculating server, and

a location transmitting unit configured to transmit, from the portable communication device over the control channel, the location information acquired by the location acquiring unit from the location information calculating server to the communication partner equipment in parallel with the data transmitting unit transmitting the picture data to the communication partner over the user channel; and

the communication partner equipment stores the picture data in association with the location information received from the location transmitting means of the portable communication device, and the communication partner equipment transmits the picture data together with the location information to a receiver terminal.

10. (Canceled)

Allowable Subject Matter

3. Claims **1-7, 9, 12, 14 and 16 are** allowed.
4. The following is an examiner's statement of reasons for allowance: **Claims 1-7, 9, 12, 14 and 16 are** allowed.

Re claims 1, 6 and 9, Lin discloses a system comprising:

A communication partner equipment (**Lin, fig 1: base station**);

A portable communication terminal communicatively coupled to the communication partner equipment, the portable communication terminal including (**Lin, fig 1: mobile station communicatively coupled to base station**),

data transmitting means for transmitting user data from the portable communication terminal to a communication partner equipment, using a user channel for transmission of user data (**P [3]**):

voice channels for data transmissions between the base station and mobile device. Note: generally, voice channel, user channel and traffic channel are the same),

location requesting means for transmitting request information to request calculation of location information about the portable communication terminal (**P [52]: mobile station initiates the location update procedure; fig 1: position producer will then be informed (is requested to calculate/produce position) of said location update procedure from said mobile station**), the request information being transmitted from the portable communication terminal to a location information calculating server for calculating the location information (**P [52]; fig 1**)

over a control channel for transmission of control data (**P [32]: location updating procedure is performed through a control channel**),

wherein the communication partner equipment is not part of the location information calculating server (**fig 1: position producer and base station**),

location acquiring means for acquiring, at the portable communication device, the location information **over the control channel** from the location information calculating server (**fig 1: position producer to mobile station; P [32]: location updating procedure is performed through a control channel**),

the location information having been calculated based on the request information in the location information calculating server (**fig 1: Position producer calculates position for mobile station, said calculation is invoked from the mobile station's request; P [52]**),

Note (not citation; for clarifying the claimed limitation below): In current application, fig 1: “GPS server” to “location acquiring part” to “location transmitter” to “content delivery server”) location transmitting means for transmitting, from the portable communication device over the control channel, the location information acquired by the location acquiring means from the location information calculating server to the communication partner equipment (**Lin, fig 1: Position producer (GPS server) to mobile station's receiver (location acquiring part) to mobile station's transmitter (location transmitter) to base station (content delivery server)**);

And the communication partner equipment stores the user data in association with the location information received from the location transmitting means of the portable communication device (**fig 1, P [32]: With HLR and VLR, the base station has already stored the user data. The**

mobile station can transmit its position information (from the position producer) to the base station. Therefore, the base station stores said mobile station's user data (together or in associated) and with said mobile station's location information; P [6], extra: HLR can stores user data and current location; therefore, Lin discloses the communication partner equipment stores the user data together with the location information received from the portable communication device; note, the location is already/inherently associated with the user in order for the user or other user to find/locate the user's location, see Lin, P [9]-[10]),

and the communication partner equipment transmits the user data together with the location information to a receiver terminal (P [6]: cell phone reads its location from the base transceiver station 31; P [9]-[10]: it does not matter where we are, people can find us; P [9]: military officer can track a particular person's position; therefore, Lin discloses the communication partner equipment transmits the location information to a receiver terminal); To address: the user data together with the location information (When a military officer tracks a particular person's position, the system (has base station involved) could retrieve and display both the particular person's (name) identity (user data) and location. If only the location is displayed without an identity, people may not be able to confirm whether said location is said (target) particular person's location; therefore, Lin discloses the communication partner equipment transmits the user data together with the location information to a receiver terminal);

Orler discloses:

User channel and Control channels are interchangeable, when used to transmit data (**Orler, Col5 L44-46: “information can be transferred between the base station and the handset across a control channel and/or a voice channel”**); But Orler doesn’t specifically disclose: Said user data is picture data;

Karai discloses:

Said user data is picture data (**Karai, fig. 4-5: see “the user’s name and user’s picture is displayed on the mobile”, thus user’s picture is user data**); Karai also discloses: a mobile transmitting picture and location data to another mobile via the network/server (**Karai, fig. 4-5, P [59]-[80]: the mobile/user has his/her name, photo/picture, address, presence location transmitted/stored to the network/server, then said user’s data is displayed/retrieved/sent to the other user**);

Note (not citation): In current application, fig 1: Examiner notes that there is a specific signal particular goes through the “USER” channel, and there are three specific signals that go through the “CONTROL” channel.

Note: data transmission over the “USER” channel is well known. For the other three signals over the “CONTROL” channel, please refer to the Lin P [32] and location updating procedure.

Note (not citation): In current application, figure 1: content delivery server 30 and GPS server 40.

Note: Lin, fig 1: position producer (GPS server) and base station (is content delivery server).

Base station stores information (content) in HLR and/or VLR, wherein said information can be delivered to other network devices.

However, the prior art of records fail to disclose singly or in combination to render obvious that:

location acquiring means for acquiring, at the portable communication device, the location information over the control channel from the location information calculating server in parallel with the data transmitting means transmitting the picture data to the communication partner over the user channel;

location transmitting means for transmitting, from the portable communication device over the control channel, the location information acquired by the location acquiring means from the location information calculating server to the communication partner equipment in parallel with the data transmitting means transmitting the picture data to the communication partner over the user channel;

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Conclusion

Newly added reference for this Office action: Karaizman, Gyora US 20050054352 A1, hereinafter “Karai”.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to MUNSOON CHOO whose telephone number is (571)270-7140, fax number is (571)-270-8140 and email is munsoon.choo@uspto.gov. The examiner can normally be reached on Monday through Friday 7:30am to 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Nick Corsaro can be reached on (571)272-7876. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Munsoon Choo/

Examiner, Art Unit 2617

/HUY PHAN/

Primary Examiner, Art Unit 2617

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Art Unit: 2617

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